

Michael Jordan v.
Wayne County, Mississippi, et al.

Jody Ashley
February 17, 2017

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MICHAEL JORDAN

PLAINTIFF

V.

CIVIL ACTION NO. 2:16-CV-70-KS-MTP

**WAYNE COUNTY, MISSISSIPPI AND
SHERIFF JODY ASHLEY IN HIS INDIVIDUAL
AND OFFICIAL CAPACITY**

DEFENDANTS

ORAL DEPOSITION OF JODY ASHLEY

**Taken at the instance of the Plaintiff on Friday,
February 17, 2017, in the Wayne County Sheriff's
Department, 613 Court Street, Waynesboro, Mississippi,
beginning at 11:05 a.m.**

(Appearances noted herein)



REPORTED BY:

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1	APPEARANCES:	1	JODY ASHLEY,
2		2	having first been duly sworn, was examined and
3		3	testified as follows, to-wit:
4	DANIEL M. WAIDE, ESQ.	4	EXAMINATION BY MR. WAIDE:
5	Johnson, Ratliff & Waide, PLLC	5	Q. Sheriff, how are you this morning?
6	1300 Hardy Street	6	A. Good morning, sir.
7	Hattiesburg, Mississippi 39401	7	Q. Would you just give your name for the record,
8		8	please, sir?
9	COUNSEL FOR PLAINTIFF	9	A. Jody Ashley.
10		10	Q. Okay. Mr. Ashley, I know it's pretty obvious
11	WILLIAM R. ALLEN, ESQ.	11	what you do, but will you tell the record what you do for
12	Allen, Allen, Breeand & Allen, PLLC	12	a living?
13	214 Justice Street	13	A. Sheriff of Wayne County.
14	Brookhaven, Mississippi 39602	14	Q. Okay. How long have you been sheriff?
15		15	A. This is the first term.
16	COUNSEL FOR DEFENDANTS	16	Q. First term. When did you start in office,
17		17	though?
18		18	A. It was last year.
19	ALSO PRESENT: Tommy Jackson	19	Q. Okay.
20	Michael Jordan	20	A. January.
21		21	Q. And prior to being sheriff, what did you do?
22		22	A. I was a State game warden.
23		23	Q. Okay. This is your first public office?
24		24	A. Right.
25		25	Q. Okay. Have you done anything -- let me ask you
1	INDEX	1	this, have you ever given a deposition before?
2	Style and Appearances..... 1	2	A. Years ago, my agency was involved in something
3	Index..... 3	3	with some alligator heads. It was 15, 17 years ago.
4	Examination by Mr. Waide..... 4	4	It's --
5	Certificate of Deponent..... 29	5	Q. Okay. Well, you sat through Mr. Jordan's so you
6	Certificate of Reporter..... 30	6	know kind of how it goes.
7		7	A. Yes, sir.
8		8	Q. Just one thing I always like to make sure with
9		9	everybody, just remember we don't talk over each other, no
10		10	head nods, no "uh-huhs" and "huh-uhs," those sorts of
11		11	things. Now, have you taken any drugs or alcohol today
12		12	that would impair your ability to give --
13		13	A. No, I have got some sinus medicine -- I think
14		14	everybody's had this crud. I'm back taking some, you
15		15	know, medicine trying to get this -- rid of this stuff.
16		16	Other than that, that's it.
17		17	MR. ALLEN: Let him get his question fully out.
18		18	I know it's difficult.
19		19	Q. (By Mr. Waide) It's difficult, yeah. Now, is
20		20	there any reason you couldn't give a truthful deposition
21		21	today?
22		22	A. No.
23		23	Q. All right. Now, have you reviewed any documents
24		24	in preparation for today?
25		25	A. Yes.

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<p style="text-align: right;">Page 6</p> <p>1 Q. Okay. What did you look at?</p> <p>2 A. What my attorneys had.</p> <p>3 Q. Okay. Is that just stuff that's been filed?</p> <p>4 A. Right, that's it.</p> <p>5 Q. Have you looked at anything beyond what's been</p> <p>6 produced or filed?</p> <p>7 A. No.</p> <p>8 Q. Okay. Have you talked with anybody besides your</p> <p>9 attorney getting ready for today?</p> <p>10 A. No.</p> <p>11 Q. All right. All right. Now, when you ran for</p> <p>12 sheriff, do you recall going to Mr. Jordan's office just,</p> <p>13 you know, asking for support from various people?</p> <p>14 A. Right.</p> <p>15 Q. Okay. And did you ever go to Mr. Jordan and</p> <p>16 say, "Hey, would you support me?"</p> <p>17 A. We had a conversation on the phone, yes.</p> <p>18 Q. Okay. And the way I understand it is he was</p> <p>19 friends with Sheriff Woodson and he just said, "I have got</p> <p>20 a friend running. I can't support you, but I would if not</p> <p>21 for him?"</p> <p>22 A. No, he said he could support me, you know. He</p> <p>23 said he didn't have a problem with that. But he -- you</p> <p>24 know, he had heard he was not going to run, so that was --</p> <p>25 that's basically it.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Okay. Now, let's see, just a few people -- I</p> <p>2 will ask you just a couple of questions. You heard</p> <p>3 Mr. Jordan talk about a few people. Do you know -- or did</p> <p>4 you know Wayne Holifield?</p> <p>5 A. I sure did. He's on my wrecker rotation -- was</p> <p>6 on my wrecker rotation.</p> <p>7 Q. Okay. And did you ever say anything to</p> <p>8 Mr. Holifield about him not supporting you in the</p> <p>9 election?</p> <p>10 A. No. I mean, Mr. Holifield would be at the</p> <p>11 coffee shops. I think it was a joke we laughed about one</p> <p>12 time. He came out on this large -- largest drug bust in</p> <p>13 state history and said, "I'm worried about you with these</p> <p>14 drug dealers that you're up against," and I kept him on</p> <p>15 the wrecker rotation. He got real sick. He came into my</p> <p>16 office just before he passed away and said, "I can't be 24</p> <p>17 hours a day, Jody. I can only be" -- you know, so there</p> <p>18 was no problem with me and him.</p> <p>19 Q. Okay. All right. What about -- did you ever</p> <p>20 tell Chris Huntley to take his Woodson signs down?</p> <p>21 A. I don't remember. I don't remember even</p> <p>22 seeing -- I don't know Chris Huntley.</p> <p>23 Q. Okay. Well, do you remember going to a car wash</p> <p>24 and telling whoever was there they needed to take --</p> <p>25 A. The only car wash I went to was -- was Andrew</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Okay.</p> <p>2 A. And I saw some people into the shop and asked</p> <p>3 for their support, too. I asked everybody to support me.</p> <p>4 Q. Okay. But I guess just -- I want to be clear.</p> <p>5 When you had the conversation, was it your understanding</p> <p>6 that he was or was not going to support you?</p> <p>7 A. I was understanding that he said he would</p> <p>8 support me, you know. He said that Sheriff Woodson was</p> <p>9 his friend but he was under the impression he wasn't</p> <p>10 running.</p> <p>11 Q. Okay.</p> <p>12 A. It was all over town.</p> <p>13 Q. And then Sheriff Woodson did decide to run,</p> <p>14 though; right?</p> <p>15 A. Yeah, in the end, he did.</p> <p>16 Q. Okay. And then Mr. Jordan supported Sheriff</p> <p>17 Woodson?</p> <p>18 A. Yes, sir.</p> <p>19 Q. So during the election itself, though, you were</p> <p>20 aware Mr. Jordan supported Sheriff Woodson?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Okay. Now, did it bother you at all that</p> <p>23 Mr. Jordan had said he could support you and then he</p> <p>24 didn't?</p> <p>25 A. No, that's elections.</p>	<p style="text-align: right;">Page 9</p> <p>1 Chapman's car wash.</p> <p>2 Q. Okay. Did you ever have -- did you ever tell</p> <p>3 Jane Hutto anything to the effect of "to go to hell," "to</p> <p>4 bum in hell," or anything along those lines?</p> <p>5 A. I told her -- her son -- her nephew had broke</p> <p>6 into my mom's shop and that -- you know, she had called</p> <p>7 the sheriff's department and said that his name was</p> <p>8 flashed across the news, and I said, "That's the way it's</p> <p>9 going to be and he's going to jail."</p> <p>10 Q. Okay. Did you ever make any of those kinds of</p> <p>11 comments like you heard Mr. Jordan talk about, though, to</p> <p>12 Ms. Hutto?</p> <p>13 A. I just said that, you know, that -- what I said</p> <p>14 was that he's going to jail and he's on News 7. She was</p> <p>15 upset about it, and that's what I said.</p> <p>16 Q. Okay. Now, when you worked for -- what was your</p> <p>17 position when you worked for the State?</p> <p>18 A. I was a conservation officer.</p> <p>19 Q. I mean, but like did you have a title like</p> <p>20 sergeant or --</p> <p>21 A. I was a master sergeant.</p> <p>22 Q. Master sergeant, okay. And as a -- working as a</p> <p>23 conservation officer, do you have any patrol duties</p> <p>24 similar to what you do as a sheriff?</p> <p>25 A. We had a lot of duties. We did wildlife and</p>

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<p style="text-align: right;">Page 10</p> <p>1 stuff like that, assisted the FBI, DEA, whatever they 2 needed. We did some things like that. 3 Q. Okay. All right. With traffic stops and -- I'm 4 vaguely familiar with what you do with conservation and 5 wildlife, all those sorts of things. Were you -- were you 6 aware what -- the rules regarding traffic stops, what the 7 federal constitutional rules, those sorts of things, are? 8 A. Correct. 9 Q. Okay. And had you been trained in those things 10 when you worked for the State? 11 A. Highly trained. 12 Q. Okay. Now, with the sheriff's department, 13 what's the -- and I know everybody sheriff's department is 14 different. That's why I'm trying to ascertain how your 15 department works. When there is a traffic stop, what 16 are -- how do you handle -- is there a -- do you radio in, 17 say, "Initiating stop," and -- is there a record kept? 18 How does that work with the sheriff's department? 19 A. There's a CAD system -- 20 Q. Okay. 21 A. -- on it. And then, you know, on a stop, you go 22 through your procedures where you're protecting yourself 23 and weapons or anything else. 24 Q. Let me stop you real quick. I'm not talking 25 about the stop itself, just the system and the records</p>	<p style="text-align: right;">Page 12</p> <p>1 A. We've got a CAD system, but let me explain 2 something to you -- 3 Q. Okay. 4 A. -- about what's took place. The 911 system went 5 down. I went back to the board of supervisors. We 6 were -- we -- they have had all kind of problems because 7 it's in a double-wide trailer. It's not grounded. 8 We're -- we were down four or five weeks ago. And I went 9 back to the board of supervisors and explained to them 10 this system -- we need to get into a sound building, and 11 every time lightning pops or comes in, we could be back 12 out. It's not a system that's been sound the whole time. 13 Q. Okay. 14 A. You can contact the 911 center, Angel Axon, and 15 ask her how many times has this system been down. 16 Q. Let me just ask you, is there any record that 17 just shows what time you arrived at the stop of Mr. Jordan 18 and then what time Mr. Mozingo and what time anybody else 19 would have arrived? 20 A. I believe there is something on the CAD. I 21 think we have got something like that or -- 22 MR. ALLEN: (Shook head.) 23 THE WITNESS: Okay. I'm not sure. I thought 24 something was there -- that Mozingo or somebody -- 25 MR. ALLEN: No.</p>
<p style="text-align: right;">Page 11</p> <p>1 that are kept. When you -- when you initiate a stop and 2 you radio in that you're initiating a stop, I know some 3 departments, when there's a stop being initiated, you 4 know, they will have a -- they have all kind of different 5 codes, but it will say this -- radio this time on arrival, 6 time to -- cleared, time departed, those sorts of things. 7 Do y'all have those sorts of things in place? 8 A. Well, I'm not clear what you're trying to ask. 9 I know when you turn your blue lights on and you're making 10 a stop, you're worried about your safety. 11 Q. Right. 12 A. Then, you know, if you have got something, then 13 you radio in and everything, so that's basically what we 14 go through is officer safety. 15 Q. But let me -- is there a -- 16 A. There is a recording device here for running 17 tags and everything else at -- it's called the CAD system. 18 Q. Right. But is there a record kept of -- what's 19 your call number? 20 A. Wayne 1. 21 Q. Wayne 1. Is there any system here in Wayne 22 County that says, "Wayne 1, time on arrival," to where you 23 can look at a printout that says, "Wayne 1 reported he 24 arrived at this time"; do y'all have that kind of record 25 system?</p>	<p style="text-align: right;">Page 13</p> <p>1 THE WITNESS: Okay. 2 MR. WAIDE: Okay. All right. 3 MR. ALLEN: I don't have it, and I have been 4 given everything that's on our system, so I -- that's 5 what Ms. Bishop has told me and she's the head of it. 6 THE WITNESS: Okay. I will let him ask Mike 7 that because -- 8 MR. ALLEN: Yeah, Mike might know. 9 A. Mike was right there, I think, that -- 10 Q. (By Mr. Waide) Okay. Now, when you initiated 11 the -- well, just walk me through what the -- for Wayne 12 County, when initiating a traffic stop such as in this 13 instance with Mr. Jordan, what's the proper procedure? 14 A. You know, initiating just a stop -- 15 Q. Yes. 16 A. -- is what you're -- you know, you turn your 17 blue lights on, you know, and then when the subject pulls 18 over, you approach the vehicle, and that's basically what 19 we do on traffic stops. 20 Q. Okay. And where does the radio come into play 21 when you do a stop? 22 A. Well, the radio comes into play if you're 23 running a tag or a driver's license or things like that. 24 That's where it comes into play. And plus, like I'm going 25 to walk you back through again, I know you haven't been in</p>

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<p style="text-align: right;">Page 14</p> <p>1 law enforcement, it's officer safety that comes first.</p> <p>2 Q. Right.</p> <p>3 A. That's what goes with me.</p> <p>4 Q. When you initiate a stop, though, I guess my</p> <p>5 biggest question is, do you call in every time you do a</p> <p>6 stop, say, "Wayne 1 stopping vehicle," and call in what</p> <p>7 the vehicle looks like before you approach?</p> <p>8 A. It's not that you call in when you're stopping</p> <p>9 one.</p> <p>10 Q. Okay.</p> <p>11 A. It's when you get out or how long you're going</p> <p>12 to be or -- you know.</p> <p>13 Q. Okay.</p> <p>14 A. That's -- that's the issue there, you know,</p> <p>15 because if you call in on every vehicle that's stopped,</p> <p>16 "I'm stopping this vehicle," no, they're not -- it's</p> <p>17 not --</p> <p>18 Q. That's my -- that was --</p> <p>19 A. It would be a pile of them. You would be on</p> <p>20 that -- I guess on the system.</p> <p>21 Q. That's my question, because every department</p> <p>22 does it a little differently so I just wanted --</p> <p>23 A. I understand, yes, sir.</p> <p>24 Q. -- to know how you did it. All right. So just</p> <p>25 when you first initiated your blue lights on Mr. Jordan,</p>	<p style="text-align: right;">Page 16</p> <p>1 does your insurance or anybody require you to keep any</p> <p>2 record of who's riding when?</p> <p>3 A. No.</p> <p>4 Q. Okay. Do you know if your insurance may require</p> <p>5 those sorts of things?</p> <p>6 A. Well, I can -- know as the sheriff here, I can</p> <p>7 have a ride-along.</p> <p>8 Q. Well, I know that.</p> <p>9 A. I mean, that's -- I don't check with insurance</p> <p>10 companies, but that's -- you know, that's -- the preacher</p> <p>11 comes in here and prays and, you know, he goes out with us</p> <p>12 several times. He's been out, I bet you, 50 times with</p> <p>13 me.</p> <p>14 Q. Okay. All right. Now, when -- when you pulled</p> <p>15 out at the stop sign there off of Court Street onto</p> <p>16 Azalea, how long was it before you turned on your blue</p> <p>17 lights and pulled over Mr. Jordan? Do you remember?</p> <p>18 A. I don't know how long it was. I just, you know,</p> <p>19 observed him crossing the center line. That's the reason</p> <p>20 I pulled him over.</p> <p>21 Q. Okay. Now, when you observed him cross the</p> <p>22 center line, do you recall what the reverend was doing?</p> <p>23 A. No, I'm driving, so I'm focused on what I'm</p> <p>24 doing.</p> <p>25 Q. Were y'all talking at the time?</p>
<p style="text-align: right;">Page 15</p> <p>1 do you recall whether or not you immediately called in or</p> <p>2 do you recall how you did that?</p> <p>3 A. I don't remember other than, you know, turning</p> <p>4 the blue lights on.</p> <p>5 Q. Okay.</p> <p>6 A. And pulling Mr. Jordan over.</p> <p>7 Q. And do you agree with what Mr. Jordan says, that</p> <p>8 you were at the stop sign on Court Street when he passed</p> <p>9 in -- that intersection on Azalea?</p> <p>10 A. Me and -- yes, me and -- Brother Steve Smith was</p> <p>11 a passenger -- was at the Court Street.</p> <p>12 Q. Okay. Was he doing a ride-along or something?</p> <p>13 A. Yes, he rides along, the preacher does, a lot of</p> <p>14 times. We were actually going out to do a safety</p> <p>15 checkpoint.</p> <p>16 Q. Okay. Where were you headed to?</p> <p>17 A. 84 -- 84 West.</p> <p>18 Q. Okay. So you were going out that direction</p> <p>19 anyway?</p> <p>20 A. Right.</p> <p>21 Q. Okay. And does the preacher -- when you go to a</p> <p>22 safety checkpoint, do you usually have civilians with you?</p> <p>23 A. Well, we have a word of prayer, he goes out</p> <p>24 and -- that's the way we do it here.</p> <p>25 Q. Okay. Now, when you have a civilian ride-along,</p>	<p style="text-align: right;">Page 17</p> <p>1 A. No.</p> <p>2 Q. All right. Did you tell him you were going to</p> <p>3 pull his -- you were going to pull the truck over for</p> <p>4 swerving?</p> <p>5 A. No, no, that's -- you know, when you're in a</p> <p>6 vehicle and you're driving, you're observing what you're</p> <p>7 doing, that's -- you know, I'm sure when I came back to</p> <p>8 the vehicle, I had talked to him for a few minutes, but</p> <p>9 that was -- other than that, I was -- I was, you know,</p> <p>10 driving.</p> <p>11 Q. Okay. And your reason, as I understand it, for</p> <p>12 stopping Mr. Jordan was -- you say you observed him</p> <p>13 crossing the center line; is that right?</p> <p>14 A. Right.</p> <p>15 Q. Okay. I know that could obviously mean a lot.</p> <p>16 When you say "crossing the center line," are we talking</p> <p>17 whole vehicle over the line? Are we talking a wheel over</p> <p>18 the line?</p> <p>19 A. We're talking swerving, careless driving.</p> <p>20 Q. Okay, careless driving.</p> <p>21 (Pause.)</p> <p>22 Q. Now, I believe Mr. Jordan said it was somewhere</p> <p>23 around that auto shop where he started to pull over on</p> <p>24 Azalea. Does that -- is that about right -- what you</p> <p>25 remember?</p>

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<p style="text-align: right;">Page 18</p> <p>1 A. I'm not familiar with the auto shop. I don't 2 know what those businesses are right there. I don't -- 3 Q. Let me see if I wrote it down. Do you remember 4 what Mr. Jordan's truck looked like? 5 A. I think it was brown or -- I'm not sure on the 6 color. 7 Q. Okay. Now, during the traffic stop, from the 8 time you initiated blue lights to the time you pull up at 9 Mr. Jordan's shop, at what point did you radio in so that 10 other deputies knew that you would be there to show up? 11 A. Well, there was other deputies that was in 12 behind us going to the safety checkpoint. 13 Q. Okay. So you already had a couple that were 14 going with you to a check stop -- or a checkpoint? 15 A. Yes. 16 Q. All right. Would that have included the 17 narcotics guy? 18 A. Yes. 19 Q. Okay. And Mike Mozingo was also in tow, I 20 guess? 21 A. Yes. 22 Q. All right. And this -- Ms. Courtney, was she 23 also in tow? 24 A. She works for the police department. I don't -- 25 like he stated, she just showed up. I don't know.</p>	<p style="text-align: right;">Page 20</p> <p>1 A. He said I should know him. 2 Q. Okay. Now, did you ever run his tag? 3 A. I'm not sure if we did or not. I would have to 4 go back and look or -- I didn't know it was expired. 5 Q. Okay. And, I mean, do you even know if it was 6 expired or not other than what somebody may have told you? 7 A. That's what I was told, but, I mean, I don't 8 know about that. I didn't pull him over for that. 9 Q. Okay. Why did you make the decision not to 10 ticket him for careless driving? 11 A. Well, I mean, you can give a verbal warning and 12 you can, you know, warn somebody and plus, you know, we 13 shook hands afterwards, so... 14 Q. Okay. 15 A. If you go back and look, I haven't given a 16 citation since I have been sheriff. 17 Q. Okay. 18 A. I don't have a ticket book. 19 Q. All right. Let me ask you, if you don't carry a 20 ticket book, why would you stop somebody for careless 21 driving? 22 A. Well, I mean, safety of the road. Your kids 23 could be in the car, too, coming down the road. 24 Q. All right. Now, at what point did you make the 25 decision that you wanted to search the truck?</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Okay. Had you been on the radio at all saying 2 that y'all were involved in a stop, for her to -- for her 3 just to know to show up? 4 A. No, I think what, you know, I remember is we got 5 to his shop because I -- he kept on going until he got to 6 his gate was that -- that's when the radio contact was. 7 Q. Okay. 8 A. You will have to ask Mozingo that. 9 Q. Okay. Now, at what point did you realize that 10 it was Mr. Jordan? 11 A. When I got his driver's license. 12 Q. Okay. Did you know -- I mean, before he handed 13 it to you, did you know it was him, though? 14 A. No. 15 Q. Okay. Had you ever met Mr. Jordan before? 16 A. Yes. 17 Q. Okay. You just didn't recognize him when you 18 first approached? 19 A. I didn't recognize him in the truck. 20 Q. Okay. I mean, once he got -- I'm talking about 21 between the time you stopped him and you asked for his 22 license until he handed it to you, did you know it was 23 him? 24 A. He told me who he was, yes. 25 Q. Okay.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Let's see, I believe I got his driver's license, 2 went back, met Johnny Smith -- 3 Q. Is that the narcotics agent? 4 A. Yes, gave the driver's license to him. 5 Q. I keep saying "agent." Is he a deputy? 6 A. No, he's a narcotic agent. 7 Q. Okay. All right. And I hated to interrupt you 8 there but I just wanted to be clear on who Johnny Smith 9 was. At what point did you decide that y'all wanted to 10 search the truck? 11 A. Within -- it was within a few minutes. 12 Q. Okay. And why was that determination made? 13 A. Check for any weapons or anything that would 14 hurt us. 15 Q. And why would you do that? 16 A. Just for safety -- officer safety. 17 Q. Okay. 18 A. Rules of the road. 19 Q. I understand that. Mr. Jordan was out of the 20 truck at this time, though; correct? 21 A. I think he went back to his back bumper. I 22 think that's where he was at. 23 Q. Okay. But if he's not in his truck, even if 24 there were weapons in the truck, there would be no danger 25 to officers; is that right?</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. No, still -- if there's something there, sir, go 2 back and look at the video, yes, sir. 3 Q. There's a video of this stop? 4 A. No, I'm talking about go back and look where 5 officers have been killed. 6 Q. I understand that. But this is one situation. 7 A. I understand that, too. 8 Q. Now, when you -- so you're saying you made the 9 search of the truck for officer safety purposes? 10 A. I didn't make the search, sir. I -- 11 Q. Your department did? 12 A. Right. 13 Q. The decision -- as I understand it, you're 14 saying the decision to search the truck was made to search 15 for weapons for officer safety? 16 A. Right. 17 Q. Okay. Was -- and why was there a concern for 18 officer safety? 19 A. There is a lot of concern for officer safety 20 when you stop vehicles, sir. 21 Q. Okay. And at this point, you knew you were 22 dealing with Mr. Jordan; right? 23 A. When I got his driver's license, yes. 24 Q. And you knew you were at his place of business; 25 is that right?</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Okay. Did you ever insinuate he could go to 2 jail for refusing to let you search the truck? 3 A. No. I said you can go to jail over citations 4 and stuff like that. He was real disgruntled but -- I 5 mean, if you stop people, sometimes people do get 6 disgruntled. 7 Q. Okay. All right. So you told him that he could 8 go to jail over citations? 9 A. Yes, over the -- what we call careless driving. 10 Q. Right. 11 A. Which would be a misdemeanor. It's not a 12 felony. 13 Q. Have you ever taken somebody to jail for 14 careless driving alone without any other charges or 15 citations? 16 A. I have arrested people for misdemeanors. I've 17 been 27 years as a State officer. Yes, I've arrested 18 people for misdemeanors. 19 Q. I understand that. There's different classes of 20 misdemeanors, though. Have you ever cited someone and 21 taken them to jail for careless driving only without any 22 other charges against them? 23 A. I would have to go back and look. I have 24 arrested so many people, I can't remember. 25 Q. Okay.</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Correct. 2 Q. Okay. And how many officers were there at this 3 time? 4 A. Let's see, the chief deputy, myself, and Johnny 5 Smith. 6 Q. Okay. 7 A. And then Courtney showed up later. 8 Q. Okay. All right. And Mr. Jordan, at the time 9 the decision was made to search his truck, was at his back 10 bumper? 11 A. He had came back to his back bumper. 12 Q. Okay. Is that when you told him y'all needed to 13 search his truck? 14 A. Asked for permission to search the truck. 15 Q. Okay. And what did he tell you at that time? 16 A. He gave permission but he wanted to know why, 17 and then I gave -- Johnny Smith's the one that searched 18 his vehicle. I went back to my patrol car. 19 Q. Okay. Did you ever threaten to arrest 20 Mr. Jordan if he wouldn't let him search his truck? 21 A. No, I did not. 22 Q. Okay. 23 A. I don't -- what you do -- when you ask for 24 permission -- you can't search a vehicle unless you get 25 permission. He gave verbal permission.</p>	<p style="text-align: right;">Page 25</p> <p>1 MR. ALLEN: To the best of your knowledge, 2 though, is what he needs to know today. 3 Q. (By Mr. Waide) Right. 4 A. I guess. I would have to go back and look. 5 Q. As you sit here today, you don't know the 6 correct -- whether you have or not solely for -- 7 A. I have arrested so many people, sir, through my 8 career, I'm sure, from DUIs to everything. 9 MR. ALLEN: But you need to answer his question. 10 As you sit here today, you don't know if you have 11 done that; is that what you're saying? 12 A. I said I can't -- on that type citation, no. 13 Q. (By Mr. Waide) Okay. 14 (Pause.) 15 Q. Has anyone ever told you that they believed 16 Mr. Jordan deals drugs? 17 A. No. 18 Q. None of the deputies have expressed a concern to 19 you about Mr. Jordan having some other sources of income 20 besides legitimate businesses? 21 A. No, he worked for the Kelley Brothers. They 22 think highly of him. Tommy Kelley thinks the world of 23 him. 24 Q. Okay. Why did the narcotics agent -- you said 25 the narcotics agent did the --</p>

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1 A. He was going to the safety checkpoint.	1 Q. Okay. I figured you may not know. That's
2 Q. I understand that. That wasn't my -- what I was	2 why --
3 going to ask. Be sure I finish so we just get the right	3 A. No, sir, I don't know.
4 part out.	4 Q. I was just curious. Okay.
5 Why was the narcotics agent the one who did the	5 MR. WAIDE: That's all I have.
6 search?	6 MR. ALLEN: I don't have anything.
7 A. Because Mr. Jordan was disgruntled. I didn't --	7 (Deposition concluded at 11:35 a.m.)
8 I was going to let the narcotics check his vehicle where	8
9 he wouldn't get mad at me doing it.	9
10 Q. Okay. Did anybody else assist the narcotic	10
11 agent in the search of the truck?	11
12 A. I don't remember. I remember a floor mat blew	12
13 out and I saw Johnny pick up a floor mat from -- I think	13
14 he had his vehicle cleaned or something. That's all I	14
15 remember.	15
16 Q. Okay. Now, the Wayne County Sheriff's	16
17 Department does have a consent form that you have	17
18 available for vehicle searches; right?	18
19 A. We have a -- yes.	19
20 Q. Okay. Do you carry any of those in your	20
21 vehicle?	21
22 A. I'm sure we do, yeah.	22
23 Q. So --	23
24 MR. ALLEN: Your vehicle.	24
25 THE WITNESS: My vehicle?	25

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1 A. Mike and them do. I'm pretty sure I do. I have	1 CERTIFICATE OF DEPONENT
2 got a file back in the back of my car with all kinds of	2 I, Jody Ashley, deponent in this deposition,
3 stuff.	3 hereby certify that I have examined the foregoing 28 pages
4 Q. (By Mr. Waide) And did y'all have Mr. Jordan	4 and find them to contain a full, true, and accurate
5 fill out and sign a consent form?	5 transcription of the testimony as given by me on February
6 A. No, we got permission -- verbal permission to	6 17, 2017, in Waynesboro, Mississippi.
7 search his vehicle.	7 Page Line Correction (If Any)
8 Q. Okay.	8
9 A. He gave consent.	9
10 Q. Under the -- so why didn't you also get the	10
11 consent form just for your paperwork purposes?	11
12 A. I just -- we just got verbal permission.	12
13 (Pause.)	13
14 MR. WAIDE: Give me a second to talk to	14
15 Mr. Jordan. Let's step out for just a second.	15 This the _____ day of _____, 2017.
16 (Pause.)	16
17 Q. (By Mr. Waide) Just maybe one or two more.	17
18 Don't -- do you know -- and I venture to guess you may	18 JODY ASHLEY
19 not, but if you do, do you know the -- any idea what the	19 State of Mississippi
20 breakdown of arrests are for Wayne County for certain	20 County of _____
21 crimes? Do you know what your numbers are?	21 Sworn to and subscribed before me, this the _____ day
22 A. For?	22 of _____, 2017.
23 Q. For instance, do you know how many people are	23
24 jailed each month on careless driving charges?	24 NOTARY PUBLIC
25 A. I would have to look at the jail docket.	25 MY COMMISSION EXPIRES _____

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CERTIFICATE OF COURT REPORTER

I, Kelly D. Brentz, Court Reporter and Notary
Public in and for the County of Madison, State of
Mississippi, do hereby certify that the foregoing 28
pages, and including this page, contain a true and
accurate transcription of the testimony of Jody Ashley, as
taken by me in the aforementioned matter at the time and
place heretofore stated, by stenotype and later reduced to
typewritten form under my supervision by means of
computer-aided transcription.

I further certify that under the authority
vested in me by the State of Mississippi that the witness
was placed under oath by me to truthfully answer all
questions in this matter.

I further certify that I am not in the employ of
or related to any counsel or party in this matter and have
no interest, monetary or otherwise, in the final outcome
of this proceeding.

Witness my signature and seal this the 28th day
of February 2017.

KELLY D. BRENTZ, CSR #1518

My Commission Expires: February 1, 2019

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